

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

IN RE: PHENYLPROPANOLAMINE
(PPA) PRODUCTS LIABILITY
LITIGATION,

MDL NO. 1407

ORDER GRANTING SUMMARY JUDG-
MENT

This document relates to:

Regina Mitchell v. Wyeth
f/k/a/ American Home Products
Corporation, et al., 4-cv-
1116.

The court has reviewed Defendant Bayer Corporation's motion for summary judgment. Plaintiff's opposition was filed more than a week after the response was due pursuant to Case Management Order 1. Plaintiff did not provide an explanation for the untimeliness of the response, nor does the pleading address the merits of the summary judgment motion.¹ Therefore, the court

¹ Plaintiff's counsel claims that they have been unable to contact her. However, this does not explain why counsel did not file a timely response stating such, or seek an extension of time within which to file her response to the motion.

ORDER

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1 finds that there is no genuine issue as to any material fact and
2 that Bayer is entitled to judgment as a matter of law. Bayer's
3 motion is hereby GRANTED and plaintiff's claims against Bayer are
4 DISMISSED with prejudice.

5 DATED at Seattle, Washington, this 26th day of September
6 2005.

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8 BARBARA JACOBS ROTHSTEIN
9 UNITED STATES DISTRICT COURT JUDGE
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